

PAN FLU ETHICS TASK FORCE
WEDNESDAY, FEBRUARY 18, 2009
SC HOSPITAL ASSOCIATION, 10:00 AM-4:00 PM

Sign in sheets attached to minutes. Approximately 35 were in attendance.

Matt Penn, DHEC Legal Counsel, opened the meeting with a plenary session entitled "Pan Flu and Changing the Standards of Care." This presentation was presented to the SC Medical Association's BioEthics Committee on February 8. Dr. Risk Foster commented that he will bring it before the SCMA's senior medical leadership group for their information.

Main Points:

- Where do legal issues fit into the ethical and clinical framework ?
- Guidelines are needed for developing a new triage system during a pandemic
- Several other states have addressed: healthcare workforce, electronic medical volunteer registries, medical surge and alternate care sites; few states have implemented altered standards of care
- Need to separate out medical and legal standards of care - can these standards be altered ? If not, can we create new ones or implement different ones during a pandemic ? Where do we start ?
- How do we partner with public health and give them limited liability ?
- Who needs to sign off ?
- What is the possible mechanism for activating new medical/legal standards of care? Selected provisions of the Emergency Health Powers Act may provide us the opportunity to activate new standards of care without additional legislative or regulatory action.

After Matt's presentation and general discussion, the membership broke out into their respective workgroups. After a working lunch, the Task Force reconvened with brief workgroup updates.

Ethical Principles:

Stuart Sprague

The first draft of the Ethical Guidelines was incorporated into the paper drafted by the Public Health Practices workgroup entitled "Public Health Ethical Issues in a Pandemic." (starting on page 3, II., Guiding Ethical Principles through page 5) On

page 5, the first two paragraphs under Ethical Guidelines are introductory followed by five recommendations. (full draft paper is attached to the minutes and available upon request.) He and his workgroup members are available to assist the other workgroups. Each workgroup should develop clear and detailed guidelines.

Clinical Practices:

Walter Limehouse

Workgroup discussed issues of workforce continuity and antiviral allocations today. Dr. Lori Carnsew will lead her subcommittee to address outpatient office operations and surge capacity for extended units outside hospitals. The next step for this workgroup is to incorporate their draft guidelines with the white paper. Different levels of appendices can be modified and attached to paper.

Legal Issues:

Matt Penn, Steve Williams

- Workgroup agreed that a "system" to deliver care needs to be created; if no "system" - no liability
- When a crisis occurs - will people act in a coordinated and agreed upon manner?
- Definitely needs to be an "X" - meaning agreed upon guidelines by hospitals, physicians (through SCHA and SCMA), government agencies, nurses, pharmacists, etc.
- Everyone providing care needs to enter into agreed upon community guidelines during a pandemic influenza
- The more organizations to support/endorse these guidelines, the better
- For Profit Hospitals - how do we get them to follow our guidelines ?

Public Health Practices:

Jane Richter, Hal Gabel

Phyllis Beasley did an excellent job in blending all the subcommittee papers with the draft Ethical Guidelines. This group discussed workforce continuity and changed "public health" workforce continuity to "health care" workforce continuity. There is no mention of due process anywhere in the draft document. Jane feels that the public has a right to be informed of mechanisms for judicial review for certain forms of isolation and quarantine. Both Matt and Steve recommended **not** to use the words "due process" in our white paper.

Action Item: Matt and Linda Bell will work on less restrictive language for "due process".

Public Risk Communication:

Jim Beasley

Jim had identified four major technical colleges that have adequate facilities for the forums, i.e, accessibility, parking, seating, etc. Not all the workgroup members agreed with his choices so he will contact others based on his input today. The question came up - should we have additional fora in smaller communities ? The pan flu grant requires that we educate the general population on pan flu planning through a series of public fora. Grant money is allotted for four statewide.

- Workgroup has identified talking points for isolation and quarantine and the process of how to present DHEC's stand to the general public
- Who exactly are we trying to reach ? How many layers of the population do we go down to reach our audience ?
- How are going to market these forums ? Piggyback on meetings already scheduled
- What is our timeline ?
- Average "Joe" population will be hardest group to reach
- Medical population has avenues to obtain education, ie., professional associations, seminars
- Does the medical population need to be educated before the general public ?
- Is there a need for more than 4 public forums ?
- Phyllis stated that this task force only has time to conduct 4 public fora with the goal of smaller ones later over the next couple months
- Can we use information obtained from prior pan flu hearings ?
- Each major hospital has a pan flu committee - can we utilize them for educational purposes ? What about videoconferencing ?
- Several outlets were identified that can be used to disseminate our message, ie, faith community; DHEC's PHCLs; DHEC's regional pan flu staff
- Should a public focus group be part of this task force to get us better prepared for tough questions from the public ?
- Regarding the Town Hall Meeting scheduled for the SC Public Health Association's annual meeting in May - can we open it up to the general public and not limit to those attending the meeting ?

Action Item:

- Jim will identify other facilities for the fora and work through the Office of Public Health Preparedness for processing payment.

Dr. Ball commented that the next step for the Task Force is to have a first draft of the white paper at the March 18th meeting. This draft will be sent to the full membership to review prior to the March meeting. He also stated that he and several others will be presenting a tract on this Ethics Task Force to the SC Public Health Association's annual meeting in Myrtle Beach, May 19-22, starting with a pre-conference session on Tuesday afternoon and ending with a Town Hall meeting on Thursday afternoon.

There will be a short Steering Committee after this.

Meeting adjourned.

Respectfully submitted,

Donna Culbreath
Committee Assistant
2-26-09

Next Meeting: Wednesday, March 18, 2009
SC Hospital Association
10:00 AM - 3:00 PM

Future Meetings: SCHA, 10:00-3:00

- **April - Public Fora (locations/date/time TBA)**
- **Tuesday, May 19 - Friday, May 22**
Presentations to SC Public Health Assn, Myrtle Beach SC
- **Wednesday, May 27**
- **Wednesday, June 17**
- **Wednesday, July 15 - Pan Flu Ethics Summit**
- **Wednesday, August 19**